

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

MICHAEL FORSON,

Judgment Debtor,

and

TD AMERITRADE, INC.,

Garnishee.

22-CR-688 (DLC)

**FINAL ORDER
OF GARNISHMENT**

WHEREAS, pursuant to the Mandatory Victim Restitution Act (“MVRA”), 18 U.S.C. §§ 3613, 3664(m), and the Federal Debt Collection Procedure Act (“FDCPA”), 28 U.S.C. § 3205, the United States of America (“the Government”) sought, obtained, and served a Writ of Garnishment on the Garnishee, TD AMERITRADE, INC., for substantial nonexempt property belonging to or due the Judgment Debtor, MICHAEL FORSON (Dkts. 38-39 and 41);

WHEREAS, on February 27, 2025, in compliance with 28 U.S.C. § 3205(c)(4), CHARLES SCHWAB & CO., INC., as Successor-in-Interest to TD AMERITRADE, INC., filed an Answer of the Garnishee and served a copy on the Government and the Judgment Debtor stating that it holds one Designated Beneficiary Individual Brokerage Account No. ending in 1194 in the name of MICHAEL FORSON that contains securities and cash with an approximate value of \$7,510, subject to market fluctuation (Dkt. 40);

WHEREAS, in compliance with 28 U.S.C. § 3202(c), the Government served the Judgment Debtor, MICHAEL FORSON, with the garnishment process 30 days ago (Dkt. 41);

WHEREAS the FDCPA requires the Judgment Debtor to file a claim for exemption, objection to the Garnishee's answer, or request for a hearing within 20 days after service under 28 U.S.C. §§ 3202(d) and 3205(c)(5), that time has expired, and neither the Court nor the Government has received any such filing by or on behalf of the Judgment Debtor;

WHEREAS, pursuant to 28 U.S.C. § 3205(c)(7), after a Garnishee files an answer and if no hearing is requested within the required time period, the Court shall promptly enter an order directing the Garnishee as to the disposition of the Judgment Debtor's nonexempt interest in the property held by the Garnishee;

WHEREAS it is undisputed that the Government is entitled to garnish the substantial nonexempt property of the Judgment Debtor held by the Garnishee, *see United States v. Shkreli*, 47 F.4th 65, 71 (2d Cir. 2022) (holding that "[t]he MVRA expressly states that criminal restitution orders may be enforced against *all* property or rights to property, making quite clear that absent an express exemption, all of a defendant's assets are subject to a restitution order.");

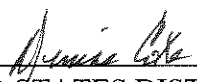
WHEREAS the Judgment Debtor, MICHAEL FORSON, has made nominal payments totaling \$2,008 and still owes restitution in the amount of \$162,992;

IT IS THEREFORE ORDERED that the Garnishee, CHARLES SCHWAB & CO., INC., as Successor-in-Interest to TD AMERITRADE, INC., shall liquidate securities as needed to pay the full liquidated value of MICHAEL FORSON's Designated Beneficiary Individual Brokerage Account No. ending in 1194 to the Clerk of Court within 15 days from the date of this Order; and

Payments should be made to "Clerk of Court" with "No. 22 CR 688" written on the face of each payment and mailed to the United States District Court, 500 Pearl Street, New York, New York 10007, Attn: Cashier.

Dated: New York, New York

April 4, 2025


UNITED STATES DISTRICT JUDGE